

work. simply put, we need serious commonsense reform of the failed welfare system.

THE COMMITTEE ON THE JUDICIARY, WORKING TO PROHIBIT AMERICANS FROM VOTING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

WHAT WELFARE REFORM MEANS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but take issue with my colleague who has just spoken about what welfare means. I hope the Republicans understand that welfare reform means giving people an opportunity to bridge out of dependence with child care, with health care, with job training.

There is not one of any of the individuals who are Americans who have said that welfare is the claim of their life. They want to be independent. It is a shame, however, that the welfare reform that our Republicans have tried to put forward simply says that we will abandon those, the least of our brothers and sisters.

Mr. Speaker, let me offer, first of all, the tragedy of what is going on in the Committee on the Judiciary this morning. We in the Committee on the Judiciary, of high ideals and standards holding up the Constitution, are there now trying to deny those citizens who have come to this country and are citizens the lack of ability, if you will, to be able to express themselves by voting on the ballot.

We want now to eliminate bilingual ballots for the U.S. Government for those senior citizens who have lived and worked here, those Asians, Hispanics, and others who have come, who have given of themselves, can speak the language, but may not be able to read as well so they can vote in the U.S. election.

How tragic it is that we are turning the clock back, as well as denying minorities the opportunity to do business with the American Government. What a shame. What a tragedy.

HEROIN USE HAS BECOME EVEN MORE DEADLY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, in recent years, while cocaine abuse has leveled off, heroin use once again is rapidly on the rise.

Today's heroin from abroad is cheaper, purer, and much more deadly than ever before. In fact, estimates of heroin's street-level purity indicate it has gone from an average of 4 percent up to a staggering 70 percent or more on purity level.

A recent GAO study indicated that worldwide opium production has nearly

doubled since the late 1980's, while U.S. emergency room episodes from heroin overdoses increased by some 50 percent.

Just recently, in New York City, we had the much-publicized Red Rum heroin overdose death of a member of the Smashing Pumpkins Band, along with the arrest of that band's drummer for possession of heroin, and cancellation of the band's sold-out performances.

Spelled backward, Red Rum is murder, and in the case of the Smashing Pumpkins member's overdose, it was indeed lethal, taking his life. It surely is murder. Let us hope that the Red Rum message is not one that Red Rum and other forms of heroin are trendy; rather than heroin use is serious and in this case can be deadly.

LINK BETWEEN ILLEGITIMACY AND WELFARE?

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, to my astonishment, I just heard my good friend, the gentleman from Ohio, MARTIN HOKE, the distinguished member of the Committee on the Judiciary from Cleveland, OH, make an incredible link between illegitimacy and welfare. I think he knows what he is talking about, because he is a very brilliant Member of this body. Perhaps his 1-minute was so truncated that we were not able to get to the bottom of what it was that was bothering him.

But I would like to invite him privately to join with me to discuss this serious matter of welfare, because I do not want the kind of assumptions that were linked together in a 1-minute presentation to be taken as a serious point of view by my good friend, the gentleman from Cleveland, OH.

THE PRESIDENT'S LATEST FLIP-FLOP, APPEASING FIDEL CASTRO ON SANCTIONS

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, within the hour the President of the United States has waived sanctions on Fidel Castro that he himself, Bill Clinton, signed into law just 5 months ago. This latest flip-flop is an extraordinary appeasement of the Communist dictator that will not work.

Since Castro began his sadistic and pathologically anti-American rule in 1959, he has denied civil rights and political liberties at home and exported revolution throughout the hemisphere.

Indeed, beyond assisting dictators and dictatorships, in our own hemisphere he has fielded soldiers and troops in no less than 14 African countries in 1 moment. Cuba has not one independent newspaper, not one independent school, not one independent labor union. Castro continues to exe-

cute and imprison political prisoners, and has driven 1.3 million Cubans into exile in this country.

The fall of the Berlin Wall and the collapse of the Soviet Union should have choked off Castro's rule, but he still is alive, in large part because of sustenance from the Clinton administration. Having signed the Libertad Act 5 months ago and said that he was for sanctions on Castro, Bill Clinton is now using his Presidential authority to waive those very sanctions.

Appeasing Castro is the wrong way for America to proceed. This latest flipflop of Bill Clinton's is more than a broken promise to the American people and the world. It is, in fact, capitulation that will endanger the world's security. Bill Clinton should be ashamed of himself.

THE FEDERAL GOVERNMENT IS GOING THE WRONG WAY ON BILINGUAL BALLOTING, AFFIRMATIVE ACTION, AND THE RIGHTS OF INDIVIDUALS

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Illinois for his kindness in yielding to me. It was difficult for me to be able to complete a statement that I wanted to make regarding the Committee on the Judiciary on this very historic day of July 16.

I mentioned bilingual balloting, which just simply allows those adults who may speak English, but may not read it very clearly, to cast their vote as American citizens. But likewise, we are reviewing this whole issue of affirmative action, and clearly, it has taken the wrong direction.

I rise for the purpose of citing the Wall Street Journal, where there is an article on an angry CEO from California who happens to be blasting a Catholic nun. The Catholic nun simply wrote to say "As a stockholder, I would encourage you to have minorities and women on your board." This CEO took it upon himself to write an ugly spirited letter, castigating the nun, suggesting she should mind her own business.

That is what happens when the Federal Government begins to take away rights. The private sector then thinks it must rally around ugliness and divisiveness.

I would commend to this CEO to think that this country is full of talented, diverse individuals who understand cyberspace, understand the superhighway, and I commend to him that it is reasonable that he could find minorities and women to serve on his board. What a tragedy. The reason we have that is because the Federal Government is going the wrong way.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

GOVERNMENT ACCOUNTABILITY
ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, as amended.

The Clerk read as follows:

H.R. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Accountability Act of 1996".

SEC. 2. RESTORATION OF FALSE STATEMENT
PENALTIES.

Section 1001 of title 18, United States Code, is amended to read as follows:

"§ 1001. Statements or entries generally

"(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of Government of the United States, knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(2) makes any materially false, fictitious, or fraudulent statement or representation; or

"(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years or both.

"(b) Subsection (a) does not apply—

"(1) to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge in that proceeding; or

"(2) to—

"(A) any non-administrative matter; or

"(B) any investigative matter, other than with respect to a person furnishing information pursuant to a duly authorized investigation;

within the jurisdiction of an entity within the legislative branch."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands

of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1995, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case *Hubbard versus United States*, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the offenses of misleading Congress and the courts outside its scope.

On June 30, 1995, the crime subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead any branch of the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our commitment to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government. The witnesses also counseled that we proceed with care. Certain legislative fixes may be unintentionally problematic over the long run.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply to a party to a judicial proceeding or that party's counsel, for statements, representations, writings, or documents submitted by such party or counsel to a judge in that proceeding. This exception applies the criminal penalties of section 1001 to those representations made to a court when it is acting in its administrative function, and exempts those representations that are part of a judicial proceeding from the scope of section 1001. I believe that the failure to establish such a judicial function exception would chill vigorous advocacy, and, as such, would have a substantial detrimental effect on the adversarial process. I am pleased to note that the Department of Justice supports the bill's judicial advocacy exception.

The second exception is the legislative advocacy exception. This exception, which I introduced at the Judiciary Committee markup, and which was agreed to without opposition, is the result of much work by Members on both sides of the aisle.

Without such an exception section 1001 would be a blanket application to all communications made to Congress, including unsworn testimony and constituent mail. Such an unlimited application would create an intimidating atmosphere in which all communications would be made with the threat of section 1001's criminal penalties constantly at hand. Such an atmosphere would undermine the free flow of information that is so vital to the legislative process.

This bill's legislative function exception limits section 1001's application in a legislative context to administrative and duly authorized investigative matters, thereby avoiding the creation of such a counterproductive atmosphere.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars. That is the result accomplished by this amendment.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who willfully mislead Congress when they knowingly and willfully mislead Congress.

I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution for misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution. H.R. 3166 avoids creating such an atmosphere.

I would like to thank my friend from New Jersey, Congressman MARTINI, for his leadership and hard work on this bill. He has been out front on this issue since the Supreme Court handed down *Hubbard*, and has worked with parties on both sides of the aisle to make sure that we moved a good bill through this House. I want to congratulate Mr. MARTINI on a job well done.

□ 1230

Mr. Speaker, when I yield again I am going to yield to the gentleman from New Jersey [Mr. MARTINI] to let him describe this legislative work he has done.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the provisions in the bill. Could I inquire of my good friend, the chairman of the Subcommittee on Crime, why this bill has no report?

Mr. MCCOLLUM. Mr. Speaker, will the gentleman yield?